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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,   )
)   CASE NO. CR05-023-JLR
09   Plaintiff,   )
)
10   v.   )   SUMMARY REPORT OF U.S.
)   MAGISTRATE JUDGE AS TO
11 RICHARD JACK HIBBS,   )   ALLEGED VIOLATIONS
)   OF SUPERVISED RELEASE
12   Defendant.   )
   _____   )

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14   An initial hearing on supervised release revocation in this case was scheduled before me

15 on February 20, 2013. The United States was represented by AUSA and the defendant by.

16 The proceedings were digitally recorded.

17   Defendant had been sentenced on or about August 8, 2005 by the Honorable James L.

18 Robart on a charge of Conspiracy to Distribute Methamphetamine, and sentenced to 60 months

19 custody, 5 years supervised release.

20   The conditions of supervised release included the standard conditions plus the

21 requirements that defendant cooperate in the collection of DNA, be prohibited from possessing

22 a firearm or dangerous weapon, submit to drug testing, participate in a substance abuse

01 program, abstain from alcohol, submit to search, participate in a mental health program, and

02 provide access to financial information as requested.   (Dkt. 23.)

03   On December 11, 2009, defendant admitted violating the conditions of supervised

04 release by using amphetamine, failing to report for urinalysis testing, and possessing drug

05 paraphernalia. (Dkt. 32.) Defendant was sentenced to credit for time served (9 days), 57 months

06 supervised release. (Dkt. 35.)

07   On April 20, 2010, defendant admitted violating the conditions of supervised release by

08 using methamphetamine and failing to report for drug testing. (Dkt. 45.) The defendant was

09 continued on supervised release and no further action was taken at the time. (Dkt. 48.)

10   On September 22, 2011, defendant's probation officer reported that he tested positive

11 for using methamphetamine and alcohol.   Defendant was reprimanded, placed in a structured

12 testing program and a community based residential program.   No further action was taken at

13 the time. (Dkt. 49.)

14   On September 9, 2012, defendant's probation officer reported that defendant violated

15 the conditions of supervised release by using methamphetamine.   (Dkt. 50, 51.) Defendant

16 admitted the violation on September 27, 2012. (Dkt. 52.)   Defendant entered and completed a

17 28 day inpatient treatment program (Dkt. 62 at 2) and no further action was taken.   Defendant

18 remained on supervised release. (Dkt. 59.)

19   In an application dated (Dkt. 61, 62), U.S. Probation Officer Angela M. McGlynn

20 alleged the following violations of the conditions of supervised release:

21   1.   Using amphetamines on or before February 6, 2013, in violation of standard

22 condition No. 7.

01   2.   Failing to report for urinalysis testing on or about January 7, 8, 24, and 25, and

02 February 5, 13, and 14, 2013, in violation of the special condition that requires the defendant to

03 report for urinalysis testing as directed.

04   Defendant was advised in full as to those charges and as to his constitutional rights.

05   Defendant admitted the violations and waived any evidentiary hearing as to whether

06 they occurred.

07   I therefore recommend the Court find defendant violated his supervised release as

08 alleged in violations, and that the Court conduct a hearing limited to the issue of disposition.

09 The next hearing will be set before Judge Robart.

10   Pending a final determination by the Court, defendant has been detained.

11   DATED this <u>20th</u> day of February, 2013.

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13   Mary Alice Theiler
     United States Magistrate Judge

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17 cc: District Judge: Honorable James L. Robart
     AUSA: Bruce Miyake

18   Defendant's attorney: Brent Hart
     Probation officer: Angela M. McGlynn

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